



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor  
J. Randall Evans, Secretary*

*Board of Appeals  
1100 North Eutaw Street  
Baltimore, Maryland 21201  
Telephone: (301) 333-5032*

*Board of Appeals  
Thomas W. Keech, Chairman  
Hazel A. Warnick, Associate Member  
Donna P. Watts, Associate Member*

**— DECISION —**

	Decision No.:	1142-BR-89	
	Date:	Dec. 29, 1989	
Claimant:	Charles Armstrong	Appeal No.:	8911815
		S. S. No.:	
Employer:		LO. No.:	15
		Appellant:	CLAIMANT
Issue:	Whether the claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the law.		

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**—NOTICE OF RIGHT OF APPEAL TO COURT —**

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAYBE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

January 28, 1990

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

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**— APPEARANCES —**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals reverses the decision of the Hearing Examiner. The Court of Appeals ruled in 1978 that it was not necessary for a claimant

to own a working automobile in order to be eligible for unemployment, and no disqualification can be imposed so long as the claimant is making a reasonable and active search for work under the circumstances. Employment Security Administration, Board of Appeals v. Smith, 282 Md. 267, 383 A.2d 1108 (1978). See also, Evans v. Potomac Insulation, Inc., 696-BR-83 (the lack of a driver's license does not automatically show that a claimant is not able and available for work).

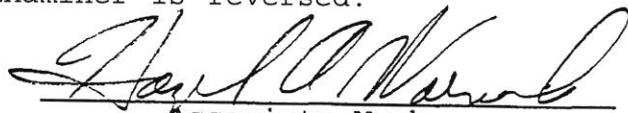
The claimant testified that he searched for work to the best of his ability; he applied for various jobs in his classification (carpenter). He called companies first and sent in applications, but when these resulted in possible jobs, requiring in-person interviews, he made arrangements to be driven. The reasonableness of this method under the circumstances, was proven by the fact that the claimant was successful in obtaining a job and was working at the time of the hearing.

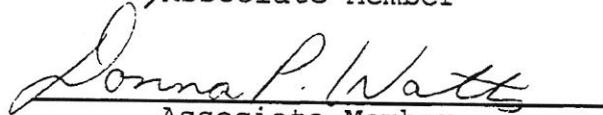
Therefore, the decision of the Hearing Examiner is reversed, and the claimant is not disqualified under Section 4(c) of the law.

#### DECISION

The claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. No disqualification is imposed under this section of the law.

The decision of the Searing Examiner is reversed.

  
\_\_\_\_\_  
Associate Member

  
\_\_\_\_\_  
Associate Member

Hw:w  
kbm  
COPIES MAILED TO:

CLAIMANT  
UNEMPLOYMENT INSURANCE - WESTMINSTER  
Recoveries - Room 413



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer*  
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*J. Randall Evans*  
Secretary

1100 North Eutaw Street  
Baltimore, Maryland  
21201

(301) 333-5040

**- DECISION -**

Claimant: Charles L. Armstrong

Date: October 31, 1989

Decision No.: 8911815

S. S. No.:

Employer:

L.O. No.: 015

Appellant: Claimant

Issue: Whether the claimant was able, available and actively seeking work, within the meaning of Section 4(c) of the Law. Whether the claimant was overpaid benefits within the meaning of Section 17(d) of the Law.

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**- NOTICE OF RIGHT OF FURTHER APPEAL -**

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

November 15, 1989

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**- APPEARANCES -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Charles L. Armstrong - Present  
Diane Renfrow, Witness

Local Office: Susan Kareiva, Claims Examiner

**FINDINGS OF FACT**

The claimant applied for benefits on August 7, 1989. He was required to look for work in person; that is, to personally visit

potential employers.

He could not do this because he does not have a driver's license. His driver's license was suspended five years ago for driving while intoxicated. He contacted employer's before by phone but this did not meet the requirements of DEED.

He is now working and has made arrangements to get to work. He did not, however, have any arrangements for searching for full-time work.

#### CONCLUSIONS OF LAW

Article 95A, Section 4(c) provides that a claimant for unemployment insurance benefits must be (1) able and available for work and (2) actively seeking work without restrictions upon his/her availability for work. In Robinson v. Employment Security Board (202 Md. 515). The Court of Appeals upheld the principle that a claimant may not impose restrictions upon his/her willingness to work and still be "available" as the Statute requires.

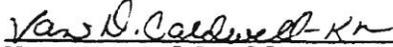
Since the claimant could not make in-person visits, he did not meet the active search for work requirements of DEED and is; therefore, disqualified under this Section of the Law.

#### DECISION

The determination of the Claims Examiner is affirmed.

The claimant was not actively seeking work, within the meaning of Section 4(c) of the Law. Benefits are denied from the week beginning August 6, 1989 and until he meets the requirements of the Law.

As a result of this determination, it is found that the Claimant received benefits for which he was in eligible.

  
 Van D. Caldwell  
 Hearing Examiner

Date of Hearing: October 23, 1989  
 km/Specialist ID: 15703  
 Cassette No: 8887  
 Copies mailed on October 31, 1989 to:

Claimant  
 Unemployment Insurance - Westminster - (MABS)  
 Recoveries - Room 413